REMARKS/ARGUMENTS

Reconsideration is respectfully requested.

Claims 1, 10, 18, and 21 have been amended, and new claims 25, 26 have been entered. Thus, claims 1-26 are pending in this application.

Rejections Under 35 U.S.C. §112, first paragraph

Claim 23 stands rejected under 35 U.S.C. §1.12, first paragraph, as failing to comply with the enablement requirement.

The Examiner alleged that a definition for the term EDI (Electronic Data Interface) could not be located in a web search conducted by the Examiner.

Applicants submit that a search conducted on "google.com" for the term EDI produced a result set of about 3 million documents. EDI is an acronym for Electronic Data Interface which is an interface for moving data from one computer system directly to another. See for example, http://www.in.gov/igbwla/brochures/edi.html link for such definition. Accordingly, EDI should be given its generally known meaning as recited above.

In view of the above, Applicants respectfully request that the rejection of claim 23 be withdrawn.

Rejections Under 35 U.S.C., §102

Claim 1 stands rejected under 35 U.S.C. §102(e) as being anticipated by *Katz, et al.* (U.S. Publication No. 2002/0065950). In this response, claim 1 has been amended. Such amendments find support at least at page 9, lines 20-30 and page 10, lines 1-10 of the present specification. No new matter is being introduced by way of this amendment.

Amended claim 1 recites, in part, at least one computer peripheral device having <u>an embedded web server and</u> a messaging system provided in the embedded web server; wherein the consumable order assistance system is <u>configured for multiple unique functionality levels to provide consumable order assistance when ordering the consumable</u>, the multiple unique functionality levels being configured to be at a level that is required by a customer, and wherein the embedded web server is configured to push information from the computer peripheral device to the personal computer. (Emphasis Added)

Katz fails to teach or suggest at least one computer peripheral device having an embedded web server and a messaging system provided in the embedded web server. Katz at page 8, para 100 merely discloses that a device driver that is PIA-aware could generate a low link event that results in a navigation to an e-commerce site to order ink cartridges for the printer. There is no teaching or suggestion about a computer peripheral device having an embedded web server and a messaging system that is provided in the embedded web server, the embedded web server being configured to push information from the computer peripheral device to the personal computer as recited in amended claim 1.

Katz further fails to teach or suggest that the consumable order assistance system is configured for multiple unique functionality levels to provide consumable order assistance when ordering the consumable, the multiple unique functionality levels being configured to be at a level that is required by a customer. None of the cited portions of Katz's disclosure teach or suggest such feature of amended claim 1.

Under MPEP §2131:

> To anticipate a claim, the reference must teach every element of the claim. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim. Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

In view of the above, since Katz fails to identically describe every element of claim 1, there can be no anticipation of claim 1. Claim 1 is therefore allowable.

Rejections Under 35 U.S.C. §103

Claims 2-24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Katz, et al.* in view of Official Notice.

The Office Action acknowledges that Katz fails to teach or suggest a number of claim elements of claims 2-24. The Office Action, however, takes "Official Notice" and asserts that claims 2-24 are obvious over Katz. No other references have been provided to cure Katz's deficiencies. Although Applicants do not agree with such position adopted by the Office Action as demonstrated in Applicants' prior responses, in an effort to advance prosecution, Applicants have amended claim 1 to further distinguish the claimed invention over Katz.

As demonstrated above, Katz fails to teach or suggest all the elements of claim 1. Claim 1 is therefore allowable.

Claims 2-9 depend on claim 1 and further limit the scope of claim 1 in a patentable sense. Claims 2-9 are therefore allowable over Katz in view of the Official Notice.

Amended claim 10 is also allowable at least for similar reasons presented above with respect to claim 1. For example, Katz fails to teach or suggest a computer-implemented system comprising the computer peripheral device having an embedded web server, and the notification system being provided in the embedded web server; wherein the computer-implemented system is configured to establish multiple unique functionality levels to provide consumable order assistance when ordering the consumable, the multiple unique functionality levels being configured to be at a level that is required by a customer as recited in part in amended claim 10. (Emphasis Added)

Claim 10 is therefore allowable.

As claims 11-17 depend on claim 10 and recite additional patentable features, they too are allowable.

Amended claims 18 and 21 are also allowable at least for similar reasons set forth above with respect to claim 10 in addition to their own independently recited claim features.

As claims 19-20 depend on claim 18, they too are allowable.

As claims 22-24 depend on claim 21, they too are allowable.

In this response, new claims 25-26 have been added.

Claim 25 recites, in part, wherein the consumable order assistance system being configured for multiple unique functionality levels to provide multiple levels of progressive consumable order assistance when ordering the

consumable, the multiple unique functionality levels being configured to be at a level that is required by a customer to facilitate use of the consumable order assistance system in a plurality of environments.   (Emphasis Added)

In addition to the distinctions noted above with respect to claim 24, Katz further fails to teach or suggest the above recited feature of claim 25. Claim 25 is therefore allowable over Katz.

Claim 26 depends on claim 25 and further recites an embedded web server configured to push information from the computer peripheral device to the personal computer. Katz also fails to teach or suggest this feature. Claim 26 is therefore allowable.

CONCLUSION

For all the reasons advanced above, Applicants respectfully submit that the application is in condition for allowance, and action to that end is respectfully requested. If the Examiner's next anticipated action is to be anything other than a Notice of Allowance, the undersigned respectfully requests a telephone interview before issuance of any such subsequent action.

Respectfully submitted,

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